

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JASON GALL and ALI ALTHOFF,)	
)	
Plaintiffs,)	Case No.: 1:24-cv-5982
)	
v.)	Hon. Robert W. Gettleman
)	
ASCEND CAPVENTURES, INC., WILL)	
BASTA, and JEREMY LEUNG,)	
)	
Defendants.		

MOTION FOR DEFAULT AGAINST DEFENDANT ASCEND CAPVENTURES, INC.

Plaintiffs, Jason Gall and Ali Althoff, through their attorneys, Tarpey Wix LLC, for their Motion for Default Against Defendant Ascend Capventures, Inc., state as follows:

1. Plaintiffs filed their Complaint against Defendants Ascend Capventures, Inc. (“Ascend”), Will Basta and Jeremy Leung on July 16, 2024. Doc. No. 1.
2. Summons was issued to Ascend c/o its Registered Agent, Cloud Peak Law, LLC, 1095 Sugar View Dr., Suite 500, Sheridan, Wyoming on July 19, 2024. A copy of the Summons is attached as Exhibit A.
3. The Summons was served on Ascend’s Registered Agent on July 24, 2024. A copy of Affidavit of Special Process Server is attached as Exhibit B.
4. Based on the date of service, Ascend’s appearance and answer and/or responsive pleading was due on August 14, 2024.
5. As of the date of this motion, Ascend has not appeared or filed an answer or responsive pleading to the Complaint. Accordingly, Ascend is in default.
6. A Certification in Support of Motion for Default is attached as Exhibit C.

7. Copies of this Motion for Default have been sent to Ascend's Registered Agent as well as to Ascend's principal place of business.

WHEREFORE, for the foregoing reasons, Plaintiffs, Jason Gall and Ali Althoff, respectfully requests that this Court grant this motion for default, find Defendant, Ascend Capventures, Inc., in default and set this matter for prove up on damages and any other relief this Court deems just and proper

DATED: September 13, 2024

Respectfully submitted,

Jason Gall and Ali Althoff

/s/ David G. Wix

One of Their Attorneys

David G. Wix (6226391)
TARPEY WIX LLC
225 W. Wacker Drive, Suite 1515
Chicago, IL 60606
(312) 948-9093 Office
(312) 948-9105 Fax
dwix@tarpeywix.com

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

JASON GALL and ALI ALTHOFF,

Plaintiffs,

V.

ASCEND CAPVENTURES, INC., WILL
BASTA, and JEREMY LEUNG,

Defendants.

CASE NUMBER: 1:24-cv-5982

ASSIGNED JUDGE: Hon. Robert W. Gettleman

DESIGNATED
MAGISTRATE JUDGE: Hon. Jeffrey T. Gilbert

TO: (Name and address of Defendant)

ASCEND CAPVENTURES, INC.
c/o Cloud Peak Law, LLC (Registered Agent)
1095 Sugar View Dr., Ste. 500
Sheridan, WY 82801

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David G. Wix, Esq.
Tarpey Wix LLC
225 West Wacker Drive, Suite 1515
Chicago, IL 60606
(312) 948-9090
dwix@tarpeywix.com

an answer to the complaint which is herewith served upon you, 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

THOMAS G. BRUTON, CLERK

Madish Peck

(By) DEPUTY CLERK



July 19, 2024

DATE

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____

- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____

- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

JASON GALL and ALI ALTHOFF,

Plaintiffs,

V.

ASCEND CAPVENTURES, INC., WILL
BASTA, and JEREMY LEUNG,

Defendants.

CASE NUMBER: 1:24-cv-5982

ASSIGNED JUDGE: Hon. Robert W. Gettleman

DESIGNATED
MAGISTRATE JUDGE: Hon. Jeffrey T. Gilbert

TO: (Name and address of Defendant)

WILL BASTA
2010 Linden Ave.
Venice, CA 90291

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David G. Wix, Esq.
Tarpey Wix LLC
225 West Wacker Drive, Suite 1515
Chicago, IL 60606
(312) 948-9090
dwix@tarpeywix.com

an answer to the complaint which is herewith served upon you, 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

AO 440 (Rev. 05/00) Summons in a Civil Action

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- ☐ Returned unexecuted: _____

- ☐ Other (specify): _____

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Executed on _____
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(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

JASON GALL and ALI ALTHOFF,

Plaintiffs,

V.

ASCEND CAPVENTURES, INC., WILL
BASTA, and JEREMY LEUNG,

Defendants.

CASE NUMBER: 1:24-cv-5982

ASSIGNED JUDGE: Hon. Robert W. Gettleman

DESIGNATED
MAGISTRATE JUDGE: Hon. Jeffrey T. Gilbert

TO: (Name and address of Defendant)

JEREMY LEUNG
c/o Accelerated eCommerce Ventures
Miami Beach Office Suites/Momentum Business Center
1680 Michigan Ave., Suite 700 #460
Miami Beach, FL 33139

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David G. Wix, Esq.
Tarpey Wix LLC
225 West Wacker Drive, Suite 1515
Chicago, IL 60606
(312) 948-9090
dwix@tarpeywix.com

an answer to the complaint which is herewith served upon you, 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

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Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____

- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

384915

Law Firm Ref#: Jason Gall

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JASON GALL and ALI ALTHOFF,

Plaintiff(s)

vs.

ASCEND CAPVENTURES, INC., et al.,

Defendant(s)

Case No.: 1:24-cv-05982

AFFIDAVIT OF SPECIAL PROCESS SERVER



I, Dustin Looper, being first duly sworn on oath, deposes and states the following:

I am over the age of 18 and not a party of this action. I am an agent of It's Your Serve, Inc, Illinois Department of Financial and Professional Regulation number 117.000885. I attempted service of the within **Summons in a Civil Case; Complaint to Ascend Capventures, Inc. c/o Cloud Peak Law, LLC, Registered Agent, located at 1095 Sugar View Dr., Ste. 500, Sheridan, WY 82801** resulting in the following:

☐ **PERSONAL SERVICE:** By leaving a copy of the process with Ascend Capventures, Inc. c/o Cloud Peak Law, LLC, Registered Agent personally on the ____ day of _____, 20____ at _____ M.

☒ **AUTHORIZED SERVICE:** By leaving a copy of the process with:
Name: Amanda Tyson, Title: registered agent clerk, an individual of the company willing and able to accept on behalf of the entity/respondent/witness on the 24 day of July, 2024 at 2:50p M.

☐ **SUBSTITUTE SERVICE:** By leaving a copy of the process at the above address which is Ascend Capventures, Inc. c/o Cloud Peak Law, LLC, Registered Agent's usual place of abode with:
Name: _____, Relationship: _____, a person of his/her family, or other person residing there, over the age of 13 years who was informed of the contents of the listed documents on the ____ day of _____, 20____ at _____ M.
After substitute service, I mailed a copy of the listed documents via regular mail to the subject on the ____ day of _____, 20____.

☐ **NON-SERVICE:** for the following reasons with the **DATE** and **TIME** of each attempt listed along with a description of the attempt (attach an additional sheet if needed):

____/____/____ @ _____: _____
____/____/____ @ _____: _____
____/____/____ @ _____: _____

A description of person with whom the documents were left is as follows:

Sex: F Race: W Approx. Age: 40's Height: 5'6" Weight: 180 Hair: blonde

Noticeable features/Notes: _____

The undersigned verifies that the statements set forth in this Affidavit of Service are true and correct.

Signed and sworn before me on
this 24 day of August, 2024

[Signature]
Notary Public

MATTHEW SCHUSTER
Notary Public - State of Wyoming
Commission ID: 169530
My Commission Expires Feb. 6, 2030

[Signature]
(Server Signature)

Dustin Looper
(Print Name)

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JASON GALL and ALI ALTHOFF,)	
)	
Plaintiffs,)	Case No.: 1:24-cv-5982
)	
v.)	Hon. Robert W. Gettleman
)	
ASCEND CAPVENTURES, INC., WILL)	
BASTA, and JEREMY LEUNG,)	
)	
Defendants.		

**CERTIFICATION IN SUPPORT OF MOTION FOR DEFAULT AGAINST
DEFENDANT ASCEND CAPVENTURES, INC.**

I, David G. Wix, under penalties of perjury as provided by law, certifies as follows:

1. I am an attorney licensed to practice in the State of Illinois and the Northern District of Illinois, a partner in the firm Tarpey Wix LLC, and the lead attorney in this case on behalf of Plaintiffs. I graduated from law school and was admitted to practice in Illinois and the Northern District in 1994.

2. I can attest that the statements set forth in the Motion for Default are true and correct, except as to matters stated to be on information and belief and as to such matters, the undersigned certifies that he verily believes the same to be true.

3. I further certify that I checked the online docket for this case on Pacer and Defendant Ascend Capventures, Inc. has failed to file an appearance/answer to the Complaint.

4. I further certify that a copy of the Motion for Default was mailed to Ascend's Registered Agent, Cloud Peak Law, LLC, 1095 Sugar View Dr., Suite 500, Sheridan, Wyoming 82801 and to Ascend's principal place of business listed on the Wyoming Secretary of State website, 1309 Coffeen Avenue, Suite 8847, Sheridan, Wyoming 82801.

DATE: September 13, 2024

Respectfully Submitted,

Specialty Contents Group, LLC,
DRYCO, LLC, Joseph Schroeder,
Paul Matthews, and John Schroeder,

By: /s/ David G. Wix
One of its attorneys

David G. Wix (dwix@tarpeywix.com)
Tarpey Wix LLC
225 W. Wacker Drive, Ste. 1515
Chicago, IL 60606
(312) 948-9090